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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,584	04/16/2004	Robert Balzer	2004-001	2981
7590 Benedict O'Mahoney 1800 Embarcadero Road Palo Alto, CA 94303		09/12/2007	EXAMINER PARTHASARATHY, PRAMILA	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,584	Applicant(s) BALZER ET AL.	
	Examiner Pramila Parthasarathy	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on September 20, 2004. No preliminary amendments were filed. Claims 1 – 8 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/20/2004 was considered by the examiner and an initialed copy of IDS is attached to this office action.

Specification

3. The use of the trademark (Microsoft and Intel) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

4. Claim 3 is objected to because of the following informalities: Claim 3 recites “..microprossor”. Replace with “microprocessor”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 – 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 – 4 recite "...the state of trust of said software applications". Instant specification does not describe "the state of trust of software applications". Appropriate correction is needed.

Claims 1 – 8 recite "a thread trust datastore". Instant specification does not describe "the state of trust of software applications". Appropriate correction is needed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Proudler et al. (US Publication 2003/0226031, (paragraph [0037 – 0093])).

7. As per Claim 1, Proudler teaches “a central processing unit; means for storing and retrieving programs and data connected with said central processing unit; an operating system stored in said means for storing and retrieving programs and data; a plurality of software applications stored in said means for storing and retrieving programs and data; a plurality of application threads, wherein each of said threads is associated with a single one of said software applications; a plurality of bypass protocols that interface with said software applications, wherein each of said bypass protocols is associated with a single one of said software applications; a bypass driver that interfaces with said bypass protocols, wherein the specific state of trust of each of said application threads of said software applications associated with said bypass protocols is obtained by said bypass driver from said bypass protocols; a thread trust datastore that interfaces with said bypass driver, wherein the state of trust of said software applications is communicated from said bypass driver to said thread trust datastore and stored in memory; and a system service dispatch tap that interfaces with said operating system, wherein invocations of services from said operating system by said software applications are intercepted by said system service dispatch tap, the state of trust of said software application is obtained from said thread trust datastore, and said invocation of service is routed in said operating system based upon said state of trust” (paragraph [0037 – 0093]).

8. As per Claim 5, Proudler teaches "a central processing unit; means for storing and retrieving programs and data connected with said central processing unit; an operating system stored in said means for storing and retrieving programs and data; a plurality of privilege levels associated with said central processing unit; a plurality of software applications stored in said means for storing and retrieving programs and data, wherein each of said applications is associated with a single one of said privilege levels; a plurality of application threads, wherein each of said application threads is associated with a single one of said software applications; a plurality of driver modules stored in said means for storing and retrieving programs and data, wherein each of said driver modules are associated with a single one of said privilege levels; a plurality of return addresses, wherein each of said return addresses are associated with a single one of said software applications; a plurality of driver requests, wherein each of said driver requests is associated with a single one of said software applications and a single one of said return addresses, and said software application associated with each of said driver requests is associated with a lower privilege level than the privilege level associated with the driver to which said request is directed; a plurality of bypass protocols that interface with said software applications, wherein each of said bypass protocols is associated with a single one of said software applications and a single one of said driver modules; a thread trust datastore that interfaces with said driver modules, wherein the return addresses of said software applications are obtained by said driver modules and stored in said trust datastore, and one of said return addresses associated with one of said software applications may subsequently be retrieved by said driver

modules, compared with one of said return addresses associated with one of said driver requests from one of said software applications, and said driver request is routed differentially based on whether said return address associated with said driver request is associated in said driver module's thread trust datastore with the requesting thread's application" (paragraph [0037 – 0093]).

9. As per Claims 2 and 7, Proudler teaches "wherein said operating system is a Microsoft Windows®. based operating system" (paragraph [0037 – 0039, 0044 – 0046]).

10. As per Claims 3 and 8, Proudler teaches "wherein said central processing unit is an Intel®.-based microprocessor" (paragraph [0037 – 0039, 0044 – 0046]).

11. As per Claim 4, Proudler teaches "wherein said invocation of service is terminated if the value of said state of trust of said software application is negative" (paragraph [0064 – 0066]).

12. As per Claim 6, Proudler teaches "wherein said driver request is denied if said return address of said software application does not match one of said return addresses associated with said calling thread's software application in said thread trust datastore" (paragraph [0064 – 0066]).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2136

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pramila Parthasarathy
September 07, 2007.

A handwritten signature in black ink, appearing to be 'P. Parthasarathy', written over the typed name and date.